



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 8162-01
6 September 2002

[REDACTED]

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This is in reference to your application for reconsideration for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 August 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 11 January 1995. On 23 January 1995 the commanding officer directed your separation based on your concealment of preservice civil convictions. On 26 January 1995 you received an entry level separation by reason of erroneous enlistment (other). At that time, you were assigned a reenlistment code of RE-4.

The Board noted that an RE-4 reenlistment code is authorized by regulatory guidance and often assigned to individuals who fail to disclose required information prior to enlistment. Further, the code is normally assigned to individuals who fail to complete initial training. Even if some of the charges were expunged or you were exonerated after your period of service, you were still required to disclose them at the time of your enlistment. The Board noted your contention that you disclosed your pre-service involvement to the recruiter prior to enlistment. This contention is not supported by the record, which contains a statement to the effect that you told no one of your civil involvement. However, even if true, you were not discharged for

fraudulent enlistment but for erroneous enlistment. This means only that had the Navy been aware of your involvement, you never would have been enlisted. The Board thus concluded that there is no error or injustice in your reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director